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‘The Trial of the Chicago 7’
& the Prosecution of America

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Black Panther leader Bobby Seale, played by Yahya Abdul-Mateen II, in ‘The Trial of the Chicago 7’. Photo: Nike Dourning/Hellfire

This Netflix depiction of mass protests repressed by brutal state violence has stark parallels to today, writes Ellie Stein

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Hundreds of mostly young, mostly left-wing demonstrators gather to protest the policies of an unpopular president. They are met by 15,000 armed city police officers firing real bullets, as well as the state police, National Guard units, and even army troops. Tear gas and beatings are administered liberally and journalists find themselves targets along with protesters. The public's opinion remains divided as to whether the police or the demonstrators are primarily responsible for the violence – but it is only the demonstrators who face legal penalties. A confusion of events today, and those of 50 years ago, gives *The Trial of the Chicago 7* palpable relevance.

In 1968, a coalition of what we might now call 'yengamies' – violence groups descended on Chicago, Illinois, to stage a mass protest at that year's Democratic Party Nominating Convention – during which the party put forward its candidate for the presidential election. The violence group included the Students for a Democratic Society (SDS), a student activist organization descended from the youth wing of socialist bodies, the National Mobilization Committee to End the War in Vietnam (NMOR), an umbrella organization of anti-war groups, and the Yippies, an essentially anarchist amalgamation, so much concerned with shoring culture as with gaining control of the political apparatus.



The Trial of the Chicago 7. Photo: Nike Dourning/Hellfire

The following year, the new Governor of Richard Nixon – thanks to a brilliant attorney general and a new administration keen to demonstrate its 'law and order' credentials – rounded up a menagerie of protesters and charged them with crossing state lines to incite a riot.

A couple of people were gathered from each group, plus two liberal academics thrown in as a warning to others – along with leader of the Black Panthers, Bobby Seale, who had only been in town for a few hours to give a speech.

In one way, the story reads like a natural far writer-director Aaron Sorkin's courtroom drama that explores whether America really does offer liberty and justice for all. Yet, Sorkin, a latter-day Frank Capra, who agrees with Ronald Reagan's characterization of the US as the 'shining city on the hill' and was seven years old during the Chicago Convention, is perhaps not best suited to fully grasp the deep disillusion that fuelled the protests, which the trial only exacerbated.

Nevertheless, skilled dramatist that he is, Sorkin, vividly and effectively outlines the political issues at stake and the fault lines between the defendants themselves. The primary source of dramatic tension is between SDS leader Tom Hayden – naïf, idealistic-minded and pragmatic, aiming to win elections – and Yippie co-ringleader Abbie Hoffman. The latter is as much prosecutor as politician – and, as such, perfect casting for *Blow* star Sacha Baron Cohen – which leads unimpaired activists like Hayden to accuse the Yippies of being irresponsible lightweights.

The real Hoffman was, in part, the combination of entertainer and political provocateur presented in the film, but was also a veteran of the Civil Rights Movement. He realized early on that the Yippies would get more news coverage from an outrageous soundbite and an effective visual than from a sober lecture about the Vietnam War. Any factual corrections would be relegated to the inside back page of next morning's paper.

Indeed, it may be that former *For New* chairman Roger Ailes – then a young media consultant to Nixon – watched the Yippies' confusion of news and entertainment and learned a thing or two from it. The episode in the film in which Hoffman and his Yippie co-defendant Jerry Rubin turn up to court in judges' robes actually happened. And, when they were ordered to remove their gowns, the pair were – as in the movie – wearing police-style uniforms underneath.



This is one of the many incidents in the film that seem fictitious but are in fact true. Judge Julius Hoffman (no relation to Abbie) was just as insensitive, prejudiced and cantankerous as in Frank Langella's portrayal. In fact, Nancy Kremen – Jerry Rubin's partner at the time – said (<https://www.counterpunch.org/2020/01/22/>) was in the room where it happened one woman's perspective on the trial of the Chicago 7) that the real Hoffman was a 'nasty piece of work', even 'meaner and more disrespectful' than in the film.

The most egregious example of Hoffman's iniquities is when he makes the trial to go ahead even though Seale is uncompromised, after his lawyer is hospitalized. Seale – not afforded half the the other defendants because he was already being held on an unrelated charge in another state – comes to court in shackles and a prison jumpsuit. When he keeps objecting to his prosecution, fighting the case despite the absence of a lawyer, Hoffman has Seale gagged. In reality – something not depicted in the movie – Seale appeared in court like this for four days, creating an indelible image of America's unequal justice.

Sorkin also depicts the underhanded tactics used by the FBI, epitomized by Rubin's seduction by an FBI agent – something that compromises the case. Although played by Sorkin's Jeremy Strong as a sort of excitable 'snaf', Rubin was actually a copy operator and wannabe leader, who went on to make a mini film from an early investment in Apple, work on Wall Street, and coin the term 'Yippies'. Meanwhile, the attention given to Hoffman and Rubin by the FBI more often took the form of bugging and even beatings than heroics.

Although hardly a new image in the era of George Floyd, the brief glimpses of racist footage of the Chicago riots – which the seven were accused of inciting – prove it retains its power to shock. But what the film can't possibly convey is the effect of this footage on the American nation, beamed into living rooms in 1968.



Now we're treated, but this was the first time 'middle America' had seen a police force beating, without restraint, large numbers of unarmed protesters. Or, perhaps more accurately, white, middle-class unarmed protesters.

There had already been plenty of footage of black demonstrators suffering police beatings during the Civil Rights marches. Along with the Vietnam War, the Chicago riots made many Americans doubt for the first time that the country was living up to its democratic ideals.

But those ideals still burn bright in Sorkin's heart. He includes a good Republican, in the form of Richard Schultz – portrayed by the indomitably sympathetic Joseph Gordon-Levitt – an assistant US attorney, who tries to talk Attorney General John Mitchell out of bringing federal charges on the grounds that it could be seen as an attempt to clamp down on free speech. In reality, Schultz was, as a contemporaneous account in *The New York Review of Books* described (<https://www.nybooks.com/articles/570032/12-the-chicago-conspiracy-trial-allen-ginsburg-on-the/>) him, "aggressive... a dumb and liberal-minded lawyer whose wheedling tone and threatening arm would make all language seem directly criminal".

If Sorkin, who gives himself a cameo as a trendy judge, doesn't quite have a grip on the counter-culture, he gets the politics by and large right. Best of all, he never sidelines all of the defendants' entirely serious central purpose: keeping the spotlight on the terrible cost in lives, both to the US and Vietnamese, of the Vietnam War.



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